

IN THE SUPREME COURT OF MISSISSIPPI**PHILIP A. GUNN, SPEAKER OF THE
MISSISSIPPI HOUSE OF
REPRESENTATIVES****APPELLANT****v.****No. 2016-IA-00442-SCT****REPRESENTATIVE J.P. HUGHES, Jr.****APPELLEE**

UNOPPOSED**MOTION OF THE MISSISSIPPI HOUSE DEMOCRATIC CAUCUS
FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE IN SUPPORT OF APPELLEE
REPRESENTATIVE J.P. HUGHES, JR.**

COMES NOW the Mississippi House Democratic Caucus, pursuant to Rule 29 of the Mississippi Rules of Appellate Procedure, and would respectfully request that this Honorable Court GRANT its *Motion for Leave to File Brief as Amicus Curiae*, and in support would show the following supports the filing of this attached Amicus Brief.¹

1. Rule 29 allows the filing of an amicus brief for four reasons, including that an amicus can shed light on “matters of fact or law that may otherwise escape the court’s attention,” and that “the amicus has substantial legitimate interests that will likely be affected by the outcome of the case” MRAP 29(a)(3), (4).

2. The Mississippi House Democratic Caucus is composed of 48 elected Representatives from across the State of Mississippi. Its elected leader is the Hon. David W. Baria, who represents House District 122 – Hancock. The Mississippi House Democratic Caucus is dedicated to serving the interests of their constituents and furthering progress in the State of Mississippi.

¹ Counsel for proposed amicus Mississippi House Democratic Caucus has conferred with counsel for the Speaker of the House and for Rep. Hughes, who have represented there is no opposition to this filing.

3. The Mississippi House Democratic Caucus has substantial and legitimate interests that will be affected by this case, as the instant appeal has literally decades-long ramifications for how the Legislative process is conducted, and whether there is judicial review of the Constitution of 1890. The massive possible impact of the results of this appeal are demonstrated by the scope of the Supreme Court's request to the parties to offer analysis on the cases of *Tuck v. Blackmon*, from 2001, and *Ex Parte Wren*, of 1886. The Mississippi House Democratic Caucus has unique insight into the Legislative process and a heightened interest in any appellate decision which might alter, shape, or otherwise impact the Mississippi House of Representatives.

4. Further, the Mississippi House Democratic Caucus tenders this amicus brief in order to provide a thoughtful review of 1890-era understanding of what "reading" meant in order to illuminate the issues in this appeal. Any viewing of the core issues in this case should be through a historical lens that grapples with these contemporaneous understanding of what "reading" meant to the Framers of our State Constitution.

5. Furthermore, the Supreme Court has previously granted leave to the Lieutenant Governor to file a brief of amicus curiae.

6. For these reasons, the Mississippi House Democratic Caucus respectfully requests that this Court grant its Motion for Leave to File an Amicus Brief.

7. The proposed amicus brief has been contemporaneously tendered with this Motion as required by MRAP 29(b).

RESPECTFULLY SUBMITTED, and filed this the 29th day of June, 2016,

Attorneys for Amicus Curiae

/s/ Graham P. Carner

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CERTIFICATE OF SERVICE

I, Graham P. Carner, certify that I have served a copy of the above and foregoing document to the following via filing with the MEC electronic filing system:

Ms. Muriel B. Ellis, Clerk
MISSISSIPPI SUPREME COURT

Michael B. Wallace, Rebecca Hawkins, and Charles E. Cowan
WISE CARTER CHILD & CARAWAY, P.A.
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CLAYTON O'DONNELL, PLLC
Attorney for Appellee

Mark W. Garriga, Robert M. Frey, and P. Ryan Beckett
BUTLER SNOW, LLP
Attorneys for Amicus Curiae

And that I have further served a paper copy via first class U.S. Mail on the following:

Honorable Winston Kidd
HINDS COUNTY CIRCUIT COURT
P.O. Box 22711
Jackson, Miss. 39225-2711
The Trial Court

THIS, the 29th day of June, 2016.

/s/ Graham P. Carner
GRAHAM P. CARNER